



DEPARTMENT OF
TOXIC SUBSTANCES
CONTROL

*The mission of the
Department of Toxic
Substances Control is
to provide the
highest level of safety,
and to protect public
health and the
environment from
toxic harm.*



State of California



Cal/EPA

Toxics in Packaging

Information for Purchasers of Packaging

INTRODUCTION

The Department of Toxic Substances Control (DTSC) prepared this fact sheet for purchasers of packaging and packaging components to describe the laws and requirements intended to reduce and eliminate heavy metals in packaging and packaging components. This new approach addresses the pollution problem at the source rather than regulating a material when it becomes a waste. This fact sheet will introduce you to the requirements and outline exemptions in the law and the required reporting. You should consult the actual statutes to be sure that you are in compliance.

DTSC is charged with enforcing the requirements of the law that are found in the Health and Safety Code, division 20, chapter 6.5, article 10.4 (beginning with Section 25214.11), also known as the Toxics in Packaging Prevention Act.

As a purchaser, you have specific responsibilities to ensure that the packaging and packaging components you use in packaging your products conform to California law. This fact sheet is a brief introduction to the Toxics in Packaging Prevention Act, and how it applies to you.

PACKAGING AND PACKAGING COMPONENTS

Beginning on January 1, 2006, it became unlawful to produce, sell, or promote packaging or packaging components that contain cadmium, lead, mercury, or hexavalent chromium, if these metals were ***intentionally introduced*** during manufacture or distribution. In addition, this law limits **the incidental presence of these regulated metals to not more than 100 parts per million (ppm)** by weight. The law also sets out various exemptions from these requirements.



Some definitions:

A **package** means any container, produced either domestically or in a foreign country, providing a means of marketing, protecting, or handling a product, including a unity package, an intermediate package, or a shipping container, as defined in the ASTM specification D996. “Package” also includes unsealed receptacles, including carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

A **packaging component** means any individual assembled part of a package that is produced either domestically or in a foreign country, including, but not necessarily limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, labels, dyes, pigments, adhesives, stabilizers, or any other additives. Tin-plated steel that meets the ASTM specification A623 shall be considered as a single package component. Electrogalvanized coated steel and hot dipped coated galvanized steel that meet the ASTM qualifications A591, A653, A879, and A924 shall be treated in the same manner as tin-plated steel.

Packaging includes packages and packaging components.

Intentional introduction means the act of deliberately utilizing a regulated metal in the formation of a package or packaging component where its continued presence is desired in the final package or packaging component to provide a specific characteristic, appearance, or quality.

Incidental presence means the presence of a regulated metal as an unintended or undesired ingredient of a package or packaging component.

Manufacturers are required to provide certificates of compliance to the purchaser of the packaging or packaging component stating that the package or packaging component is in compliance with the requirements of this law. Health & Safety Code Section 25214.16 sets out the required contents for this certificate.

As a purchaser of packaging or packaging components, if your supplier does not automatically provide you with Certificates of Compliance for those items you purchase from them, then you **must** request them.

You are required to retain Certificates of Compliance for each package or packaging component while it is being used by your company. DTSC may request these from purchasers at any time, in order to show that the packaging or packaging component used by a purchaser is in compliance with the law. If we request these from you, then you must provide them to us.

EXEMPTIONS

There are some exemptions to this law, but they are very specific. For example, packaging manufactured prior to January 1, 2006 is exempt. This can be determined by the manufacturing date code on many products. You must retain documentation certifying that the packaging or packaging component is exempt as long as the packaging or packaging component is in use. Another possible exemption is where there is no feasible alternative. Details on the requirements and documentation required are provided in Health & Safety Code Section 25214.15. The manufacturer or supplier of the product has a responsibility to provide this certification of exemption to DTSC automatically.

For a list of other exemptions, please refer to Health & Safety Code Section 25214.14. A copy of this law is available on our website (See location below).

FOR MORE INFORMATION

Please read our more encompassing fact sheet, “**Preventing Toxic Substances In Packaging For Consumer Goods**” Fact Sheet at: http://www.dtsc.ca.gov/HazardousWaste/Mercury/upload/HWMP_FS_Toxics-Packaging.pdf.

We also have a website to assist you: <http://www.dtsc.ca.gov/ToxicsInPackaging>. You can also reach us by telephone, (916) 322-4819, or by sending email to tipinfo@dtsc.ca.gov.